

Kristin A. Schuler-Hintz, Esq., Nevada SBN 7171
 Christopher M. Hunter, Esq., Nevada SBN 8127
 McCarthy & Holthus, LLP
 9510 W. Sahara, Suite 110
 Las Vegas, NV 89117
 Phone (702) 685-0329
 Fax (866) 339-5691
KHintz@mccarthyholthus.com
 Attorney for Defendants:
 Aurora Loan Services and MERS

**IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

AARON P. BROOKS AND ALISA R.
 BROOKS,

Plaintiff,

v.

LEHMAN BROTHERS HOLDINGS, INC.;
 AXIOM FINANCIAL INCORPORATED;
 AURORA LOAN SERVICES;
 CITIMORTGAGE, INC.; MORTGAGE
 ELECTRONIC REGISTRATION SYSTEMS,
 INC.; and JOHN DOES I and II, and JOHN
 DOES 3 through 10, inclusive,

Defendants.

Case No.: 2:11-cv-00531-GMN-RJJ

**ORDER GRANTING MOTION TO
 DISMISS FILED BY AURORA
 LOAN SERVICES AND
 MORTGAGE ELECTRONIC
 REGISTRATION SYSTEMS, INC.**

Defendants, Aurora Loan Services (“Aurora”) and Mortgage Electronic Registration Systems, Inc. (“MERS” and collectively “Defendants”), by and through its counsel of record, Christopher M. Hunter, Esq., of McCarthy & Holthus, LLP, filed a Motion to Dismiss (“Motion”) pursuant to Fed. R. Civ. P. 12(b)(6) on May 13, 2011 (Docket No. 13). The Docket Report indicates that a Response to the Motion was due by May 31, 2011. No Response has been filed.

The Court having considered the moving papers, its own files, and good cause appearing, rules as follows:

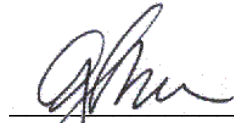
1. Pursuant to Local Rule 7-2(b), any Response and/or Opposition to Defendants’ Motion for Summary Judgment was required to be filed with the Court and served within

1 fourteen days after service of the motion. No Response and/or Opposition has been filed by the
2 Plaintiff regarding this matter. Pursuant to Local Rule 7-2(d), the failure of an opposing party to
3 file Points and Authorities in response to any Motion shall constitute consent to the granting of
4 the motion.

5 2. The Court may grant the Motion to Dismiss for failure to follow local rules. *Ghazali*
6 *v. Moran*, 46 F.3d 52 (9th Cir. 1995). Before dismissing the action, the district court is required
7 to weigh several factors: (1) the public's interest in expeditious resolution of litigation; (2) the
8 court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy
9 favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions.
10 The Court has considered these factors and finds that Plaintiff has received notice and has been
11 given ample time to respond.

12 IT IS THEREFORE ORDERED, that based on the foregoing, the Motion to Dismiss is
13 GRANTED and Defendants, Mortgage Electronic Registration Systems, Inc. and Aurora Loan
14 Services are hereby dismissed without prejudice.

15 IT IS SO ORDERED this 1st day of June, 2011.

16
17
18 

19 Gloria M. Navarro
20 United States District Court

21 Respectfully submitted,

22 McCarthy & Holthus

23 By: /s/Christopher M. Hunter
24 Christopher M. Hunter
25
26
27
28